

**Notice of Allowability**

Application No.

09/748,400

Examiner

Kim-Kwok CHU

Applicant(s)

HAYASHI ET AL.

Art Unit

2627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Terminal Disclaimer filed on 7/11/2006.
2. ☒ The allowed claim(s) is/are 3-10 which are renumbered as 1-8 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Allowable Subject Matter***

1. Claims 3-10 are allowable over the prior art.
2. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on the amendment filed on March 20, 2006.

As in claim 3, the prior art of record fails to teach or fairly suggest the following features:

(a) an address memory connected to a buffer memory, the address memory being configured to store a write-data-address of the data written to the recording medium and a read-data-address of the data read from the buffer memory when the writing of data to the recording medium is interrupted, the write-data-address and the read-data-address each indicating a location of the data at which the interruption occurs;

(b) a synchronizing circuit for synchronizing written data medium with the encoded data;

(c) a first retry determination circuit for determining whether an address of the written data, which is read from the recording medium, and the write-data-address, which is stored in the address memories, are the same, and for determining whether an address of the read data, which is provided to the encoder from the buffer memory, and the read data address, which is stored in the address memory, are the same;

(d) a second retry determination circuit determining whether a first timing signal for reading the write data from the recording medium and a second timing signal for encoding the read data are the same, the first timing signal being derived from the recording medium; and

(e) a restart circuit restarting the writing of data to the recording medium based on the determinations of the first and second retry determination circuits .

As in claim 7, the prior art of record fails to teach or fairly suggest the following features:

(a) an address memory connected to a buffer memory, the address memory being configured to store a write-data-address of the data written to the recording medium and a read-data-address of the data read from the buffer memory when the writing of data to the recording medium is interrupted, the write-data-address and the read-data-address each indicating a location of the data at which the interruption occurs;

(b) a synchronizing circuit for synchronizing written data medium with the encoded data, the synchronizing circuit determined whether a first timing signal for reading the write data from the recording medium and a second timing signal for encoding the read data are the same, the first timing signal being derived from the recording medium;

(c) a retry determination circuit for determining whether an address of the written data, which is read from the recording medium, and the write-data-address, which is stored in the address memories, are the same, and for determining whether an address of the read data, which is provided to the encoder from the buffer memory, and the read data address, which is stored in the address memory, are the same; and

(d) a restart circuit restarting the writing of data to the recording medium based on the determinations of the first and second retry determination circuits .

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over the prior art of record.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch, can be reached on (57) 272-7589.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU

*cc 9/12/2006*  
Examiner AU2627  
September 12, 2006

(571) 272-7585

*William Korzuch*  
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